



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Mark DuChene, City Engineer
MEETING DATE: October 23, 2018
SUBJECT: Resolution 2018-215 Adopt Special Assessments for 2018 Street Reconstruction – Contract 2018-04

Background:

Resolution 2018-191, adopted on September 25, 2018, declared the cost to be assessed and set a special assessment hearing date of October 23, 2018 for the 2018 Street Reconstruction project – City Contract 2018-04. Notices of the hearing were sent to the benefited properties and published in the Daily News as required by law.

The adopted 2018 assessment rates for street reconstruction projects (as established by Resolution 2016-248, adopted on November 9, 2016) are as follows, subject to credits per City policy:

Street Reconstructions

Low Density Residential Property	\$72.50/l.f.
High Density Residential Property	\$80.00/l.f.
Commercial/Industrial/Institutional Property	\$87.00/l.f.
Credit for Salvaged Curb	(-)\$15.00/l.f.
Lead Water Service Replacement	\$800.00/ea

In addition to the street reconstruction assessments, a portion of the properties within the project limits are being served with sanitary sewer service where prior to the reconstruction project these properties were served via individual septic systems. Per the feasibility report, because the sewer costs are higher due to the inclusion of a lift station that was designed to serve an area larger than just the current project area, these properties are being assessed for sanitary sewer at the cost difference between the standard and non-standard sewer access charge which is \$4,365.00/parcel.

The City has not received any written objections to the proposed assessments.

The attached special assessment roll proposes to assess a total of 28 parcels in the amount of \$248,046.35 (16.6%), out of a total estimated project cost of \$1,531,000.00. The assessments will be payable over a period of fifteen (15) years with an interest rate of 4.50%. A copy of the special assessment roll is attached, as well as a copy of the notice that was published and mailed to individual property owners.

Recommendation:

Approve Resolution 2018-215

Attachments:

- Resolution 2018-215
- Affidavit of Distributing Notices
- Special Assessment Hearing Notice
- Special Assessment Roll (Final)
- Project Location Map

CITY OF FARIBAULT

RESOLUTION #2018-215

ADOPT SPECIAL ASSESSMENTS FOR 2018 STREET RECONSTRUCTION - CONTRACT 2018-04

WHEREAS, Resolution 2018-191, adopted on September 25, 2018, established a special assessment hearing date of October 23, 2018, for the 2018 Street Reconstruction project – City Contract 2018-04, and;

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed special assessments for said improvement project.

NOW, THEREFORE BE IT RESOLVED, that the proposed assessment roll, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessments against the lands named therein, and each tract of land there included is found to be benefited by the proposed improvement in the amount of the assessment levied against it.

ALSO, BE IT RESOLVED, that such assessments shall be payable in equal annual installments which shall extend over a period of fifteen (15) years and shall bear interest at the rate of 4.50 per cent annum from the date of adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2019. To each subsequent installment when due shall be added interest for one year on all unpaid assessments. Said installments shall be certified upon the property tax list of the County and paid in the same manner as other municipal taxes.

ALSO, BE IT RESOLVED, that the owner of the property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest will be charged if the entire assessment is paid within 30 days from October 23, 2018, and they may, at any time thereafter, pay to the City Treasurer the amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

ALSO, BE IT RESOLVED, that the City Administrator shall forthwith transmit a certified duplicate of these assessments to the County Auditor to be extended on the property tax lists of Rice County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Date Adopted: October 23, 2018

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**CITY OF FARIBAULT
AFFIDAVIT OF DISTRIBUTING NOTICES**

State of Minnesota)
)ss
County of Rice)

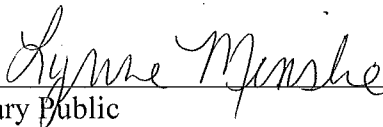
Project: **2018 Street Reconstruction (2018-04)
Proposed Assessment Notice**

Ann M. Remold, being first duly sworn, deposes and says: I am a United States citizen, over 21 years of age and the Accounting Supervisor of the City of Faribault, Minnesota. On, October 8, 2018 acting on behalf of said City, I caused a copy of the attached notices of special assessment notice to be delivered to the attached list of persons at the addresses appearing opposite their respective names.



Ann M. Remold
Accounting Supervisor

Subscribed and sworn to before me
This 8th day of October, 2018.



Notary Public



**CITY OF FARIBAULT
NOTICE OF PUBLIC HEARING ON PROPOSED ASSESSMENT**

October 5, 2018

NAME
ADDRESS
ADDRESS

RE: Parcel #

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Faribault will meet in the Council Chambers of City Hall, 208 NW First Avenue, at 6:00 p.m. on Tuesday, October 23, 2018, to consider, and possibly adopt, the proposed assessment for the 2018 Street Reconstruction Improvement project, including removals, grading, aggregate base, concrete curb and gutter, bituminous surfacing, sanitary sewer and services, sanitary sewer lift station and forcemain, watermain and services, storm sewer, concrete driveway pavement turf restoration, and related improvements.

Adoption by the City Council of the proposed assessment may occur at the hearing.

The total cost of the improvements is estimated to be \$1,228,100.00 of which \$248,046.35 is proposed to be specially assessed. **The proposed amount to be specially assessed against your particular lot, piece, or parcel of land is** . Such assessment is proposed to be payable in equal annual installments extending over a period of fifteen (15) years, in accordance with the adopted special assessment roll, and will bear interest at the rate of 4.5 percent per annum from the date of the adoption of the assessment activation resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment activation resolution. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment activation resolution. You may at any time thereafter, pay to the City of Faribault the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above the rate of interest that will apply will be 4.5 percent per year.

The proposed assessment roll is on file for public inspection at the City Administrator's office. The total amount of the proposed assessment is \$248,046.35. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners, as it deems advisable.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the Council as to the weight of items of evidence or testimony presented to the Council.
5. The entire proceedings will be video recorded.
6. At the close of the presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or City Administrator within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or City Administrator.

BY ORDER OF THE CITY COUNCIL

Timothy C Murray
City Administrator



To: Property Owners

From: Mark DuChene, City Engineer

Date: October 1, 2018

Levying of Special Assessments on Street Reconstruction Projects

Attached you will find a notice of final assessment for the work that is being done on the street located adjacent to your property. At the time you receive the notice, the work will not be fully completed, leading to the question of whether or not the notices were sent prematurely. The notices you will receive are for a hearing that will be held on October 23, 2018. By that date, more of the work will be completed, possibly to the point of substantial completion in most areas (which for a reconstruction project would be the time when the street would be curbed and paved). The hearing on October 23rd is when the assessments would be adopted, and it is necessary to hold the hearings at this point in time (not necessarily waiting until all work is substantially completed) in order to meet the timing requirements as established by state statute to have the assessments certified to Rice County and onto the tax rolls for payments to begin in 2019.

Following adoption of a special assessment roll, a property owner has thirty (30) days to pre-pay their assessments, with no interest charged, if they wish to do so. By that point in time (middle of November), work on the project is scheduled to be past the substantial completion date. After the 30-day pre-payment period, the unpaid assessments are then certified to the County for inclusion with the tax statements in 2019.

Please be aware, on many reconstruction projects, especially those with full utility replacement and/or less than desirable soils, final paving may not be done until the following year. The decision on whether or not to install the wearing course pavement has not yet been made for this project. Weather and other factors will be considered as we get closer to making that call. The cost of that work is deemed to be part of the general City share, as typically only 15% to 40% of the total cost on a street reconstruction project is funded by the special assessments to the benefiting properties. In the case of the 2018 Street Reconstruction project, special assessments to the abutting properties account for less than 16% of the total project cost, with the remaining 84% being funded by the City.

Thank you for taking the time to read through this information on the levying of assessments for reconstruction projects in the City. Hopefully it has been helpful in explaining the timing of the work and the corresponding assessments to the adjacent properties. If you have any questions or would like any additional information, please give me a call at (507) 333-0360.

**CITY OF FARIBAULT
AFFIDAVIT OF MAILING
2018 Street Reconstruction (2018-04)**

Parcel	Name	Mailing Address	Amount
18.29.4.25.001	Earl J & Donna M Crowl	1228 Maple Ln Faribault MN 55021	\$8,975.30
18.29.4.25.004	Thomas S Gerbig	1208 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.005	James R & Christine A Blessum	1110 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.006	Steven J & Gail H Kohl	1032 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.007	George Wickstrom	1028 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.008	Mary Donahue	1022 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.009	Todd R Tweedy & Megan E Murray	1016 11th Ave NE Faribault MN 55021	\$7,250.00
18.29.4.25.010	Scott F & Rachel A Johnson	213 6th Ave NE Faribault MN 55021	\$11,615.00
18.29.4.26.001	Daniel J & Alicia M Stokes	1236 Maple Ln Faribault MN 55021	\$5,496.05
18.29.4.26.002	Lance J & Jennifer A Stumbo	1220 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.003	Jeanne Marie Bliss	1204 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.004	Jeanne Marie Bliss	1204 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.005	Rodney J Lehmann	1122 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.006	David A & Carol M Beranek	1114 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.007	Keith A & Dawn M Walker	1106 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.008	Michael D Wieben	1115 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.009	Steven J & Cheryl L Hauer	1123 11th Ave NE Faribault MN 55021	\$11,615.00
18.29.4.26.010	Jacob J & Penny A Bauer	6665 Nerstand Blvd Faribault MN 55021	\$11,615.00
18.29.4.26.011	Robert W Daily & Cynthia R Huckaby	1039 11th Ave NE Faribault MN 55021	\$11,615.00
18.29.4.26.012	Andrew T Lajeunesse & Tressa M Shema	1031 11th Ave NE Faribault MN 55021	\$11,615.00
18.29.4.26.013	Daniel R & Melissa M Hager	1207 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.014	Natalie Ginter	1215 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.015	Timothy & Kali Babcock	1223 Maple Ln Faribault MN 55021	\$11,615.00
18.29.4.26.016	Ronald C & Judy B Zabel	1239 Maple Ln Faribault MN 55021	\$1,941.55
18.29.4.26.017	Ronald Zabel	1239 Maple Ln Faribault MN 55021	\$6,658.45
18.29.4.50.002	Timothy C & Debra E Houge	1124 Parshall St Faribault MN 55021	\$3,625.00
18.29.4.50.003	David & Nancy Topp	1010 11th Ave NE Faribault MN 55021	\$3,625.00
			\$248,046.35

PARCELID	DEEDHOLD	STREET NUM	STREETNAME	MAIL ADDRESS	MAILCITY	MAIL STATE	MAILZIP	TOTAL FRONTAGE	ASSESSED FRONTAGE	STREET RATE	STREET AMOUNT	SANITARY SEWER	EASEMENT VALUE	TOTAL ASSESSMENT
11th Avenue NE (Parshall Street to Maple Lane)														
18.29.4.25.004	THOMAS S GERBIG	1208	11TH AVE NE	1208 11TH AVE NE	FARIBAULT	MN	55021	165.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.005	JAMES R & CHRISTINE A BLESSUM	1110	11TH AVE NE	1110 11TH AVE NE	FARIBAULT	MN	55021	208.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.006	STEVEN J & GAIL H KOHL	1032	11TH AVE NE	1032 11TH AVE NE	FARIBAULT	MN	55021	122.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.007	GEORGE WICKSTROM	1028	11TH AVE NE	1028 11TH AVE NE	FARIBAULT	MN	55021	122.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.008	MARY DONAHUE	1022	11TH AVE NE	1022 11TH AVE NE	FARIBAULT	MN	55021	122.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.009	TODD R TWEEDY & MEGAN E MURRAY	1016	11TH AVE NE	1016 11TH AVE NE	FARIBAULT	MN	55021	122.00	100.00	\$72.50	\$7,250.00			\$7,250.00
18.29.4.25.010	SCOTT F & RACHEL A JOHNSON	1025	11TH AVE NE	213 6TH AVE NE	FARIBAULT	MN	55021	243.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.009	STEVEN J & CHERYL L HAUER	1123	11TH AVE NE	1123 11TH AVE NE	FARIBAULT	MN	55021	110.00	44.00	\$72.50	\$3,190.00			\$3,190.00
18.29.4.26.010	JACOB J & PENNY A BAUER	1109	11TH AVE NE	6665 NERSTAND BLVD	FARIBAULT	MN	55021	110.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.011	ROBERT W DAILY & CYNTHIA R HUCKABY	1039	11TH AVE NE	1039 11TH AVE NE	FARIBAULT	MN	55021	150.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.012	ANDREW T LAJEUNESSE & TRESSA M SHEMA	1031	11TH AVE NE	1031 11TH AVE NE	FARIBAULT	MN	55021	106.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.50.002	TIMOTHY C & DEBRA E HOUGE	1124	PARSHALL ST	1124 PARSHALL ST	FARIBAULT	MN	55021	178.00	50.00	\$72.50	\$3,625.00			\$3,625.00
18.29.4.50.003	DAVID & NANCY TOPP	1010	11TH AVE NE	1010 11TH AVE NE	FARIBAULT	MN	55021	148.00	50.00	\$72.50	\$3,625.00			\$3,625.00
											\$82,940.00	\$17,460.00		\$100,400.00

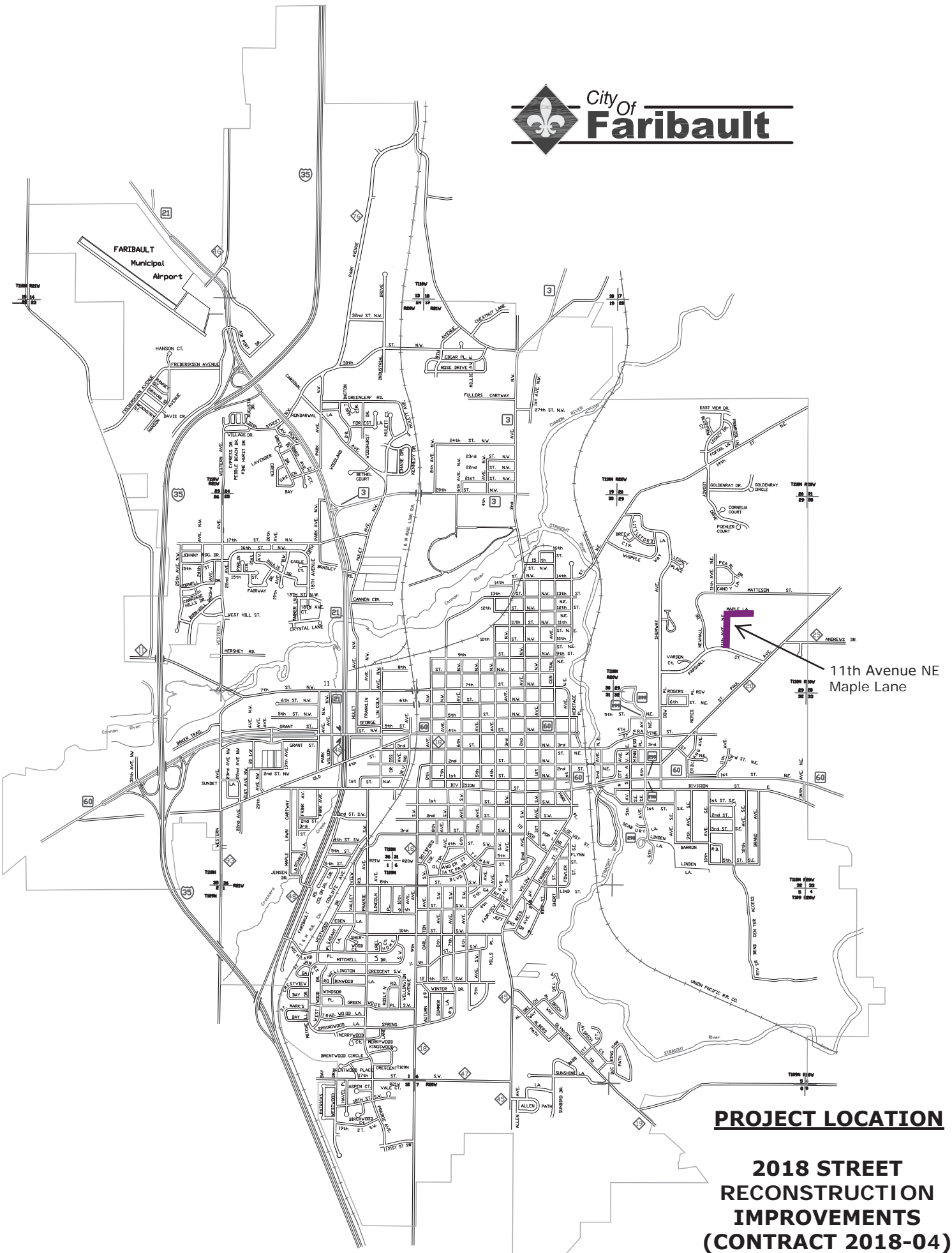
Maple Lane (11th Avenue NE to east end/cul-de-sac)

18.29.4.25.001	EARL J & DONNA M CROWL	1228	MAPLE LN	1228 MAPLE LN	FARIBAULT	MN	55021	84.28	84.28	\$72.50	\$6,110.30	\$4,365.00	\$ (1,500.00)	\$8,975.30
18.29.4.26.001	DANIEL J & ALICIA M STOKES	1236	MAPLE LN	1236 MAPLE LN	FARIBAULT	MN	55021	56.98	56.98	\$72.50	\$4,131.05	\$4,365.00	\$ (3,000.00)	\$5,496.05
18.29.4.26.002	LANCE J & JENNIFER A STUMBO	1220	MAPLE LN	1220 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.003	JEANNE MARIE BLISS	12XX	MAPLE LN	1204 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.004	JEANNE MARIE BLISS	1204	MAPLE LN	1204 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.005	RODNEY J LEHMANN	1122	MAPLE LN	1122 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.006	DAVID A & CAROL M BERANEK	1114	MAPLE LN	1114 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.007	KEITH A & DAWN M WALKER	1106	MAPLE LN	1106 MAPLE LN	FARIBAULT	MN	55021	133.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.008	MICHAEL D WIEBEN	1115	MAPLE LN	1115 MAPLE LN	FARIBAULT	MN	55021	120.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.009	STEVEN J & CHERYL L HAUER	1123	11TH AVE NE	1123 11TH AVE NE	FARIBAULT	MN	55021	140.00	56.00	\$72.50	\$4,060.00	\$4,365.00		\$8,425.00
18.29.4.26.013	DANIEL R & MELISSA M HAGER	1207	MAPLE LN	1207 MAPLE LN	FARIBAULT	MN	55021	110.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.014	NATALIE GINTER	1215	MAPLE LN	1215 MAPLE LN	FARIBAULT	MN	55021	100.00	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.015	TIMOTHY & KALI BABCOCK	1223	MAPLE LN	1223 MAPLE LN	FARIBAULT	MN	55021	143.66	100.00	\$72.50	\$7,250.00	\$4,365.00		\$11,615.00
18.29.4.26.016	RONALD C & JUDY B ZABEL	1239	MAPLE LN	1239 MAPLE LN	FARIBAULT	MN	55021	26.78	26.78	\$72.50	\$1,941.55			\$1,941.55
18.29.4.26.017	RONALD ZABEL	1239	MAPLE LN	1239 MAPLE LN	FARIBAULT	MN	55021	59.22	59.22	\$72.50	\$4,293.45	\$4,365.00	\$ (2,000.00)	\$6,658.45
											\$93,036.35	\$61,110.00		\$147,646.35

- Corner Lot - Sideyard Credit Applied.
- Previous project assessment credit applied.
- Capped at 100' per CC direction

2018 Special Assessment Rates - Reconstruction	
Low Density Residential	\$72.50 /foot
High Density Residential	\$80.00 /foot
Commercial/Industrial/Institutional	\$87.00 /foot

Total	\$175,976.35	\$78,570.00	\$248,046.35
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PROJECT LOCATION

**2018 STREET
RECONSTRUCTION
IMPROVEMENTS
(CONTRACT 2018-04)**